IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE

Criminal Rev.Application No. 328 of 2005

Sadashiv Rajaram Pawar ..Applicant

vs.

The State of Maharashtra ..Respondent

Ms.Pendse i/b Mr.C.K.Pendse for applicant.
Ms.M.M.Deshmukh, A.P.P. for respondent.

CORAM: A.M.KHANWILKAR J.
29th NOVEMBER, 2005

P.C.

1. Heard counsel for the parties.

2. I see no reason to defer with the conclusion reached by the court below in rejecting the discharge application taken out by the applicant. Counsel for the applicant, however, contends that there is no evidence on record to suggest that the conduct of the applicant was such that he provoked the deceased to commit suicide. This argument clearly overlooks the contents of the dying declaration.Reliance placed on the reported decision of this court in the case of Satish S/o Narayan Ate Vs. State of Maharashtra; 1996(4) All MR 92 is not applicable. That was the case where the opinion is recorded after evidence was

recorded whereas the case on hand is at the stage of framing charge. The observations made in para 13 of the said decision indicate that the view taken therein is on the facts of that case where the deceased had not complained in any manner against the accused to any one that the accused had taken any undue advantage of her or had any physical contacts with her. In the present case this is precisely what is stated by the deceased in dying declaration. In the present case the prosecution case is that the applicant had illicit relations with the deceased and induced her to have intercourse which led to termination of the pregnancy and thereafter the accused refused to marry the deceased. All these matters will be relevant for trial. As there is prima facie evidence against the applicant it is not a case for discharge. No interference in revisional jurisdiction is warranted. Application is rejected.